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**Objection, Notice and**  
**Notice of Lawful Protest**

2005 NOV 21 AM 8:13

COMMENT

November 21, 2005

Chairperson  
Commodity Futures Trading Commission, hereinafter "CFTC"  
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RECORDS SECTION

2005 NOV 21 PM 5:25

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J. Doe Commissioners  
CFTC  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW  
Washington, DC 20581

J. Doe Officers  
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Washington, DC 20581

J. Doe Attorneys  
CFTC  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW  
Washington, DC 20581

Each and every of the aforesaid persons in each person's individual, personal and official capacities

Via email to: [secretary@cftc.gov](mailto:secretary@cftc.gov)  
[bgold@cftc.gov](mailto:bgold@cftc.gov)  
[spainter@cftc.gov](mailto:spainter@cftc.gov)

Via USPS Certified Mailing Receipt #7002 2030 0003 3056 2249

Greetings;

### **Nature of Objection and Protest**

The CFTC purportedly proposed a rule change in Release: 5119-05, Federal Register, September 28, 2005.

Said Release is purportedly posted at [www.cftc.gov](http://www.cftc.gov).

Page 56610 of said purported release purports to establish that three (3) certifications have been made by "the Chairman, on behalf of the Commission". The three (3) certifications presume to relate to three "Related Matters" identified as:

- A. Regulatory Flexibility Act
- B. Paperwork Reduction Act
- C. Cost-Benefit Analysis.

I am responding as one of the Posterity of the People specified in the Constitution for the United States of America, Anno Domini 1787, as one of the People of Oklahoma, one of the several Union States, and as one of the California, Anno Domini 1849, People; and in my ex rel capacity on behalf of all People similarly situated.

Your purported proposals fail to provide Notice that your proposed regulations do not apply to the People; and thereby restrain my Life, Liberty, pursuit of Happiness and Private Property by causing expenditure of time and effort to clarify and correct said disclosure failure.

The CFTC seems to miscomprehend the primary Duty the People have delegated through the founding documents.

So that there may be no doubt, here are but three of many well-settled and long-established Authorities upon which I rely and which are binding upon each and every of the commissioners, officers and attorneys of the CFTC as a condition of employment:

***We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable Rights; that among these are Life, Liberty, and the pursuit of Happiness. -- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, ...***

The unanimous Declaration of Independence of the thirteen united States of America, Anno Domini 1776.

***Unalienable. The state of a thing or right which cannot be sold. Things which are not in commerce ... the natural rights of life and liberty are unalienable.***

Bouvier's Law Dictionary, 1856

***All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare ...***

Article II, Section 1, Constitution of the State of Oklahoma

***All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same, whenever the public good may require it.***

Article I, Section 2, Constitution of the State of California, Anno Domini 1849

Each and every of you have, presumably, executed an oath to uphold the very provisions hereinabove specified as a condition of continued employment, are contractually bound thereby and have guaranteed your performance with a personal surety bond.

I am unable to determine that the People ever intended to subject themselves to the authority of the legislatures the People created; history records that they did not. See, "The Making of the Constitution", Warren, Page 147.

I am unable to determine that the People's commerce is subject to the commerce clause. It is well-settled and long-established by Supreme Court precedent by which you are bound that such commerce is not included in the commerce clause. See, for example, *Hale v. Henkle*.

I did not sign any of the aforesaid constitutions and am not party to them.

I incorporate herein as if fully set forth the decision by Judge Ricardo Urbina in UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA in Civil Action No.: 97-1711 (RMU) styled as:

FRANK TAUCHER (sic), et al.,  
Plaintiffs,

v.

BROOKSLEY E. BORN, et al.,  
Defendants.

I hereby challenge the constitutionality of the process by which said certifications were rendered by "the Chairman, on behalf of the Commission".

I challenge said certification process as violative of fundamental Rights to due process fully protected by the constitutions.

If it is the CFTC's claim that such proposed regulations are to be operative in the several Union States, then my objection and protest is that said certifications and the certification process relied on by the CFTC is violative not only of the Constitution of the United States, Anno Domini 1791, but also the Constitution of the State of California, Anno Domini 1849 and the Constitution of the State of Oklahoma in addition to the constitutions of all the remaining several Union States.

In that the CFTC restrains my Life, Liberty, Pursuit of Happiness and Private Property by failing to provide full and complete disclosure, and thereby restricts my Unalienable Rights, I protest said detention as a taking of Property without just compensation and seizure of my Private Papers without probable cause, injured party, verified complaint, warrant or judgment of a lawful court of the United States in possession of the judicial Power specified at Article III, Constitution for the United States of America, Anno Domini 1787; and protest and object to same with respect to the constitutions of the several Union States.

Should CFTC fail to establish in the written record evidence controverting the constitutional challenges I mount herein, then the CFTC is without authority to implement the proposed regulations in the several Union States.

In such event, no further challenge need be mounted, as said implementation will be established in the written record as unconstitutional, without authority to implement and as not binding upon the People specified herein.

I waive no Right to challenge, at a later date, any other aspect of said proposed rule change pending the outcome of the challenges I am mounting herein.

### **Prior Experience with CFTC**

I do not mount the below challenges without cause or reason.

Previously, information I had requested from CFTC was prepared by a person unqualified to provide said information.

I am aware of no action CFTC, commissioners or officers thereof took, or have since taken, to correct the felony offenses I reported at the time.

I am aware of no action the CFTC took, or has since taken, to correct the injuries caused by such impersonations.

I am aware of no action the CFTC took, or has since taken, to prevent further injury from occurring as a result of the fraud articulated in the concurrently recorded written record regarding said event.

I am unable to conclude that the CFTC, and the commissioners, officers and attorneys thereof, did not ratify and condone fraud, violations of the public trust, and aid and abet felony offenses when the CFTC failed to correct the injuries hereinabove specified; and refused to prevent further injuries from occurring.

As a result of the above, I hardly believe the CFTC is in position to claim moral authority to adjudicate any matter involving fraud, real or not, since the concurrently recorded written record of the instant matter has established and recorded that the CFTC brings *unclean hands* to the table.

I thus challenge, protest and object to CFTC being suitable and of sufficient moral integrity to administer any controversy involving question of ethics, moral turpitude, honesty, good faith, honor and the like until such time as CFTC cleans its own closet.

### **Objection and Protest Regarding Office**

I am unable to determine that the People have anywhere created the CFTC, the office of "Chairman" of the CFTC or the office of "Commissioner" of the CFTC.

If no office has been lawfully created, all authority of a person holding said office is void ab initio and of no authority with respect to the People. See Yick Wo, among others.

I thus am in possession of no evidence, proof or claim that the regulatory authority of the CFTC extends to other than legislative creations.

If such is the correct constitutional construction, then no action the CFTC or the Chairman might take may become binding upon said People absent expressed and knowing individual consent based upon full disclosure and consideration.

Provide all certified evidence and/or testimony sworn under penalty of perjury by a competent witness in possession of first hand knowledge to be true, correct, complete and not misleading that controverts the above statements.

In the absence of such evidence/testimony, I shall proceed in the knowledge that the Commodity Exchange Act is not binding upon the People or the People's commerce.

### **Objection and Protest Regarding Authority of “the Chairman”**

I do not recall having met “the Chairman, on behalf of the Commission” specified in the aforespecified certifications on page 56610 of the September 28, 2005 Federal Register.

I am unable to determine if “the Chairman” is, or those purportedly comprising “the Commission” are, qualified to execute the Duties of said purported offices, or are mere pretenders.

I do not understand what is meant by “the Commission”.

Provide a certified copy of the oath of office of each and every of the CFTC commissioners since 1985, the personal surety bond executed by each, bonding company, amount of bond, bond number and address of said bonding company and the certificate of election/appointment along with the authority delegated to each said person; sworn by a qualified officer in possession of first hand knowledge under penalty of perjury to be true, correct, complete and not misleading; or else *sua sponte* withdraw, now and forever, the proposed rules changes.

Provide a certified copy of the oath of office of each and every of the CFTC officers, the personal surety bond executed by each, bonding company, amount of bond, bond number and address of said bonding company and the certificate of election/appointment along with the authority delegated to each said person; sworn by a qualified officer in possession of first hand knowledge under penalty of perjury to be true, correct, complete and not misleading; or else *sua sponte* withdraw, now and forever, the proposed rules changes.

Provide a certified copy of the oath of office of each and every of the CFTC attorneys, attorney’s oath of office, the personal surety bond executed by each, bonding company, amount of bond, bond number and address of said bonding company, the certificate of election/appointment, license to practice law, and bar member number along with the authority delegated to each said person; sworn by a qualified officer in possession of first hand knowledge under penalty of perjury to be true, correct, complete and not misleading; or else *sua sponte* withdraw, now and forever, the proposed rules changes.

Provide a certified copy of the license of the CFTC to operate in the Union State known as Oklahoma, registration as an agent of a foreign principal, and license to practice law in Oklahoma recorded with the Oklahoma Secretary of State.

Provide a certified copy of the license of the CFTC to operate in the Union State known as California, registration as an agent of a foreign principal, and license to practice law in California recorded with the California Secretary of State.

Provide a certified copy of the license to practice law issued by the Oklahoma Secretary of State for each CFTC commissioner, officer, attorney or employee who practices law in the Union State known as Oklahoma.

Provide a certified copy of the license to practice law issued by the California Secretary of State for each CFTC commissioner, officer, attorney or employee who practices law in the Union State known as California.

### **Objection and Protest Regarding Authority of "the Chairman"**

I am unable to respond to said certifications having seen none. Therefore, kindly provide a certified copy of each of the hereinabove specified certifications purportedly executed by "the Chairman, on behalf of the Commission" along with authentication of when said certifications occurred.

If no such copy exists, then, for each copy not provided, the concurrently recorded written record of the instant matter shall forever establish and record that there is no such copy for each said purported certification not provided; and that CFTC has a Duty to *sua sponte* withdraw and quash said proposed rule change(s) for failure to certify the purported certifications.

### **Objection and Protest Regarding Authority of CFTC Personnel**

Identify all officers who have advocated for the subject rule change, or acquiesced to said rule change, and authenticate the bona fides for each; or, in the alternative, *sua sponte* withdraw, now and forever, said proposal.

Identify all attorneys who have advocated for the subject rule change, or acquiesced to said rule change, and authenticate the bona fides for each; including, but not limited to, each of said person's license to practice law and bar membership; and license to practice law in the United States of America, Oklahoma and California; or, in the alternative, *sua sponte* withdraw, now and forever, said proposal.

### **Objection and Protest Regarding Hearing**

I was provided no notice of the hearing held at which facts were found by a qualified Officer in possession of judicial Power in support of the hereinabove specified certifications rendered by "the Chairman, on behalf of the Commission".

I was provided no notice of the hearing held at which law was concluded by a qualified Officer in possession of judicial Power in support of the hereinabove specified certifications rendered by "the Chairman, on behalf of the Commission".

I was provided no notice of hearing at which I might:

- A. confront the witnesses who provided testimony in support of the aforespecified certifications of "the Chairman, on behalf of the Commission"
- B. confront the testimony upon which "the Chairman, on behalf of the Commission" relied to issue the aforespecified certifications
- C. confront the evidence that purportedly supported the aforespecified certifications of "the Chairman, on behalf of the Commission"
- D. testify in opposition to the aforespecified certifications of "the Chairman, on behalf of the Commission"
- E. introduce witnesses in opposition to the aforespecified certifications of "the Chairman, on behalf of the Commission"
- F. introduce evidence in opposition to the aforespecified certifications of "the Chairman, on behalf of the Commission"

I have seen no legal determination rendered pursuant to a hearing notice issued prior to a hearing being held in which facts were found in support of the hereinabove specified certifications rendered by "the Chairman, on behalf of the Commission".

I have seen no legal determination rendered pursuant to a hearing notice issued prior to a hearing being held in which law was concluded in support of the hereinabove specified certifications rendered by "the Chairman, on behalf of the Commission".

I was provided no opportunity of hearing at which facts were found by a qualified Officer in possession of judicial Power in support of the hereinabove specified certifications rendered by "the Chairman, on behalf of the Commission".

I was provided no opportunity of hearing at which law was concluded by a qualified Officer in possession of judicial Power in support of the hereinabove specified certifications rendered by "the Chairman, on behalf of the Commission".

I was provided no opportunity to be heard at which I might:

- A. confront the witnesses who provided testimony in support of the aforespecified certifications of "the Chairman, on behalf of the Commission"
- B. confront the testimony upon which "the Chairman, on behalf of the Commission" relied to issue the aforespecified certifications
- C. confront the evidence that purportedly supported the aforespecified certifications of "the Chairman, on behalf of the Commission"
- D. testify in opposition to the aforespecified certifications of "the Chairman, on behalf of the Commission"
- E. introduce witnesses in opposition to the aforespecified certifications of "the Chairman, on behalf of the Commission"
- F. introduce evidence in opposition to the aforespecified certifications of "the Chairman, on behalf of the Commission"

I have seen no legal determination rendered pursuant to the opportunity to be heard prior to facts being found in support of the hereinabove specified certifications rendered by "the Chairman, on behalf of the Commission".

I have seen no legal determination rendered pursuant to the opportunity to be heard in which law was concluded in support of the hereinabove specified certifications rendered by "the Chairman, on behalf of the Commission".

I am aware of no hearing held at which facts were found by a qualified Officer in possession of judicial Power in support of the hereinabove specified certifications rendered by "the Chairman, on behalf of the Commission".

I am aware of no hearing held at which law was concluded by a qualified Officer in possession of judicial Power in support of the hereinabove specified certifications rendered by "the Chairman, on behalf of the Commission".



I am aware of no hearing held at which I was able to:

- A. confront the witnesses who provided testimony in support of the aforespecified certifications of "the Chairman, on behalf of the Commission"
- B. confront the testimony upon which "the Chairman, on behalf of the Commission" relied to issue the aforespecified certifications
- C. confront the evidence that purportedly supported the aforespecified certifications of "the Chairman, on behalf of the Commission"
- D. testify in opposition to the aforespecified certifications of "the Chairman, on behalf of the Commission"
- E. introduce witnesses in opposition to the aforespecified certifications of "the Chairman, on behalf of the Commission"
- F. introduce evidence in opposition to the aforespecified certifications of "the Chairman, on behalf of the Commission"

I have seen no legal determination rendered pursuant to a hearing held in which facts were found in support of the hereinabove specified certifications rendered by "the Chairman, on behalf of the Commission".

I have seen no legal determination rendered pursuant to a hearing held in which law was concluded in support of the hereinabove specified certifications rendered by "the Chairman, on behalf of the Commission".

I am in possession of no evidence, proof or claim, and believe none exists, that:

- A. "the Chairman, on behalf of the Commission" has anywhere been granted authority to infringe the First Amendment right to speak, to assemble and associate, and of the press, Constitution of the United States, Anno Domini 1791
- B. the CFTC has anywhere been granted authority to infringe the First Amendment right to speak, to assemble and associate, and of the press, Constitution of the United States, Anno Domini 1791
- C. "the Chairman, on behalf of the Commission" has anywhere been granted authority to infringe the Right to speak, to assemble and associate, and of the press fully protected by the Constitution of the State of Oklahoma, Anno Domini 1907
- D. the CFTC has anywhere been granted authority to infringe the Right to speak, to assemble and associate, and of the press fully protected by the Constitution of the State of Oklahoma, Anno Domini 1907
- E. "the Chairman, on behalf of the Commission" has anywhere been granted authority to infringe the Right to hear the speech of others fully protected by the Constitution of the State of California, Anno Domini 1849
- F. the CFTC has anywhere been granted authority to infringe the Right to hear the speech of others fully protected by the Constitution of the State of California, Anno Domini 1849
- G. "the Chairman, on behalf of the Commission" has anywhere been granted authority to infringe due process Rights, Constitution of the United States, Anno Domini 1791
- H. the CFTC has anywhere been granted authority to infringe due process Rights, Constitution of the United States, Anno Domini 1791

- I. "the Chairman, on behalf of the Commission" has anywhere been granted authority to infringe due process Rights fully protected by the Constitution of the State of Oklahoma, Anno Domini 1907
- J. the CFTC has anywhere been granted authority to infringe due process Rights fully protected by the Constitution of the State of Oklahoma, Anno Domini 1907
- K. "the Chairman, on behalf of the Commission" has anywhere been granted authority to infringe due process Rights fully protected by the Constitution of the State of California, Anno Domini 1849
- L. the CFTC has anywhere been granted authority to infringe due process Rights fully protected by the Constitution of the State of California, Anno Domini 1849

Kindly provide certified evidence and/or testimony sworn by a qualified officer in possession of first hand knowledge under penalty of perjury to be true, correct, complete and not misleading for each of the above challenges or else *sua sponte* withdraw, now and forever, the proposed rules changes.

From the above, it should be clear that I mount my challenge not only due to Rights antecedent to and fully protected by the constitutions, but also invoke my Right to not only speak via my written word, and to be heard, but to also hear the speech of others everywhere who seek to speak.

The facts found and law concluded in TAUCHER (sic) v BORN, and elsewhere in the Public Record, establish that the requirements of registration as a Commodity Trading Advisor are burdensome and onerous. This reply, for example, has breached the Peace and required 13 calendar days to be expended in response.

Yet, "the Chairman, on behalf of the Commission" has certified otherwise, contrary to settled and established precedent of which "the Chairman, on behalf of the Commission", as party to TAUCHER (sic) v BORN, among others, knew at the time said purported certifications in support of CFTC's purported rule changes were rendered.

It seems as if "the Chairman, on behalf of the Commission" proceeds by secret law and arrives at determinations rendered behind closed doors in the absence of sunlight and contrary to already adjudged and known facts found and law concluded.

Is it any wonder no one knew about the secret CFTC proceedings that yielded the pretend certifications.

It seems as if "the Chairman, on behalf of the Commission" seeks to exceed the limited authority delegated by the People as set forth in the constitutions and to strike out on a "loose cannon" course of secret certifications which totally disregard well-settled and long-established due process concepts.

By proceeding in other than full disclosure, and by rendering a certification that excludes already settled and adjudged facts found and law concluded, "the Chairman, on behalf of the Commission" appears to violate the Ninth Commandment regarding the bearing of false witness and Wars against the very Creator that breathes life into all.

For shame!

Affairs seem to have progressed satisfactorily in the 30 years since the Commodity Exchange Act was passed without the CFTC's control of speech and of the press.

It is thus the well-settled custom and policy that CFTC's assistance is not needed nor sought.

For example, I am in possession of no affidavit sworn by a competent witness and injured party based on first hand knowledge that seeks implementation of the speech control the CFTC seeks to implement. Instead, CFTC seems to *sua sponte* meddle in the affairs of those who do not seek, and do not want, CFTC's assistance.

My conclusion, based on personal observation and experience, is that affairs will proceed quite satisfactorily for another 30 years without the CFTC's interference.

I also object to said proposed regulation in that said regulation results in unequal treatment in that it exempts one group of speakers and of the press whose speech is "incidental" business.

I thought such discrimination long ago went the way of the Jim Crow laws.

Finally, I bring to CFTC's attention that the only facts that appear to be in evidence of which I am aware are the 159 facts found in TAUCHER V BORN.

### **Conclusion**

I am herein challenging the constitutionality of the certification process used to produce such certifications as being a fundamental infringement and trespass upon the People's Life, Liberty, Pursuit of Happiness and Private Property and an arbitrary and capricious abuse of discretion.

As has been shown, no notice of hearing was held, no opportunity for hearing, no hearing, no testimony was taken, no evidence was introduced, no testimony was confronted, no witnesses were confronted, no evidence was found, no facts were found, no law was concluded, and no legal determination was rendered prior to the purported rendering of said "certifications". There is no agency determination for judicial review.

There are no facts in evidence of who "the Chairman" is, who "the Commission" is, whether said purported offices even exist, whether the purported commissioners, officers and attorneys of said purported agency are qualified for said positions, of any authority delegated by the People authorizing said "certifications" or the process used to arrive at said "certifications", let alone implementation of the subject regulations.

It is not even known that required process was followed in rendering said purported "certifications".

Pursuant to 5 USC 556(d) and other operation of law, the burden of proof is on "the Chairman, on behalf of the Commission" to establish, as a condition precedent to implementing said regulations, controverting evidence regarding the constitutional and other challenges mounted herein.

Knowing that the CFTC, for spurious reasons (ie., does "client" include "subscriber"), is so willing to assault the very documents and Rights the People hold as Unalienable and Sacred raises the question

of whether such acts, being so contrary to fundamental concepts of Liberty and Freedom, are *per se* acts of terror.

Such egregious assaults against Unalienable Rights are so fundamentally offensive as to call into question the legitimacy of any government that might ratify and condone such highly offensive assaults upon Rights and Liberty.

What's wrong with you people?

Have you so lost your moorings up there in Washington, DC that you've no understanding of your primary mission?

It's time for the CFTC, if it is to continue to exist, to develop policies and methods that support the commerce of the People as required by the constitutions.

Thank you, in advance, for your prompt attention to this matter and for your *sua sponte* withdrawal.

I Retain and Reserve all Rights and claims at all times and waive no Rights or claims at any time.

### **Verification of Frank Anthony Taucher**

<b>Tulsa county</b>	)
	)
<b>Oklahoma, one of the several States of the Perpetual Union</b>	)
	)
<b>united States of America, Anno Domini 1776</b>	)
	)
<b>The United States of America, Anno Domini 1778</b>	)
	)
<b>United States of America, Anno Domini 1787</b>	)

**I, Frank Anthony Taucher, one of the Sovereign People and a Man Created in His Image, being competent in mind and body to testify, having first hand knowledge of the following facts, and knowing the penalty of bearing false witness, do declare, upon My full commercial liability, that the above stated facts are, to the best of my knowledge, true, correct, certain and not meant to mislead.**

**Further, Frank Anthony Taucher sayeth nought.**

Signed and Sealed, under Authority and by Direct Act of my own hand, on the twentieth day of November, in the Year of our Lord, Two thousand five, and the two hundred thirtieth year of our Independence, subject to receipt by Frank Anthony Taucher of written statement and proof of claim to the contrary within three (3) days of receipt of this notice.

**Locus Sigilli (Private Seal)**

---

Frank Anthony Taucher, *Sui Juris*, Unrepresented  
**Communications**

Serve a written copy of all communications directly to:

***Frank Anthony Taucher  
Tulsa, Oklahoma***

***c/o James Vann Pruitt, Notary Public  
Suite 2, Box 382,  
7122 South Sheridan Road  
Tulsa, Oklahoma  
ZIP Code Exempt, Non-domestic***

#### **CERTIFICATE OF SERVICE**

I served on or before the above specified date this thirteen (13) page notice via email to the above three (3) email addresses pursuant to the delivery instructions stated on page 56608 of Federal Register Vol. 70, No. 187, Wednesday, September 28, 2005; and further delivered a certified copy of said thirteen (13) page notice to the aforespecified persons via the above specified USPS Form 3817 Certified Mail Receipt by placing said notice in an envelope with proper prepaid postage affixed thereon and delivering said envelope to the United States Post Office on the date specified on USPS delivery receipts.